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Letter dated 17 March 2008 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council

Regarding the discussions in the Security Council at its 5848th and 5853rd meetings, on 3 and 17 March 2008, respectively, I have the honour to bring to your attention the points contained in the annex to the present letter. I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

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Annex to the letter dated 17 March 2008 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council

The international community has been once again witnessing that the credibility of the Security Council, whose primary responsibility is to maintain international peace and security, is readily downgraded to a mere tool of the national foreign policy of just a few countries. The Council has been once more pushed to take unlawful action against a proud and resolute nation merely because that nation is defending its legal and inalienable rights enshrined in international instruments.

The more recent action of some members of the Security Council against Iran's peaceful nuclear program, along with the measures taken in this regard in the past, do not meet the minimum standards of legitimacy and legality for the following reasons:

1. Iran's peaceful nuclear program was brought to the Security Council in violation of the Agency's Statute. Iran had not violated, and therefore had not been in non-compliance with its NPT comprehensive safeguards agreement. Iran had signed the Additional Protocol in 2003 and began its voluntary implementation then, which continued for two and a half years, and thus had not been supposed to implement its provisions prior to 2003. Our country accepted the modified code 3.1 of the Subsidiary Arrangement in 2003 and had no obligation to it (to inform about nuclear installations) prior to that date. Therefore Iran was only obliged, according to the Comprehensive Safeguards Agreement (INFCIRC/153), to inform the IAEA 180 days prior to feeding nuclear material into facilities. We informed the IAEA about the Uranium Conversion Facility (UCF) by inviting the Agency's Director General in the year 2000, that is, 4 years prior to its operation in 2004, and also 4 years before Iran was obliged to do so.

2. Iran's nuclear program has been, is, and will remain absolutely peaceful and in no way poses any threat to international peace and security, and thus does not fall within the purview of the Security Council. There is solid evidence and there are concrete arguments attesting to the exclusively peaceful nature of Iran's nuclear program. In this regard:

A. The peaceful nature of Iran's nuclear program has been confirmed by each and every IAEA report in the past several years, including the most recent one that clearly stresses that "the Agency has been able to continue to verify the non-diversion of declared nuclear material in Iran. Iran has provided the Agency with access to declared nuclear material and has provided the required nuclear material accountancy reports."[1] As the latest example, the IAEA report of 22 February 2008 clearly attests to the exclusively peaceful nature of the nuclear program of the Islamic Republic of Iran, both in the past and at present, and serves to strongly and unambiguously support our country's long-standing position that the allegations raised by few states against the peaceful nuclear program of

[1] Please see the latest IAEA report (GOV/2008/4) and all the previous ones in the last several years in all of which this conclusion has been made.

the Islamic Republic of Iran have been entirely groundless. In the Work Plan, concluded between Iran and the IAEA in August 2007, it has also been emphasized that "the IAEA has been able to verify the non-diversion of the declared nuclear materials at the enrichment facilities in Iran and has therefore concluded that it remains in peaceful use."[2]

B. On the basis of ideological and strategic grounds, Iran categorically rejects the development, stockpiling and use of nuclear weapons as well as all other weapons of mass destruction. This fundamental position has been reiterated by every senior Iranian official on numerous occasions. The Supreme Leader of the Islamic Republic of Iran has unequivocally stressed this position before, through a religious verdict, a fatwa, and once again reiterated the same principled position during Mr. ElBaradaei's recent visit to Tehran.[3] Also, the President of the Islamic Republic of Iran has emphasized repeatedly that Iran's nuclear program has been and will remain absolutely peaceful and that Iran is a leading country in international efforts to oppose nuclear weapons and all other weapons of mass destruction.

C. The IAEA Director General has stressed in his various statements that "the Agency does not have any data or evidence indicating that Iran is trying to develop nuclear weapons."[4] He has also said "there is no evidence Iran's enrichment of uranium is intended for a military nuclear program."[5] In the wake of the U.S. NIE report – which reversed many of its previous baseless allegations against Iran's nuclear program- the IAEA Director General stressed that Iran has been "vindicated in saying it has not been working on a weapons program".[6]

3. In addition, the Security Council's actions are unjustifiable because the main pretext on the basis of which the consideration of Iran's peaceful nuclear program was imposed on the Security Council, namely the outstanding issues, are now resolved and closed. The co-sponsors of the most recent resolution had argued in the past that Iran's peaceful nuclear program should be dealt with by the Security Council due to unresolved outstanding questions. In order not to leave any stone unturned in its cooperation with the agency and to remove this much ballyhooed, yet baseless pretext, Iran agreed to work with the Agency on a Work Plan to address and resolve the outstanding issues. In this regard, the text of the "Understandings of the Islamic Republic of Iran and the IAEA on the Modalities of Resolution of the Outstanding Issues" was negotiated and finally concluded in August 2007.[7]

The conclusion of the Work Plan, which was described as "a significant step forward" by the IAEA Director General, was an essential turning point in our cooperation with the Agency. The same co-sponsors of the recent Security Council resolution against Iran's

[2] INFCIRC/711.
[3] http://english.khamenei.ir//index.php?option=com_content&task=view&id=200&Itemid=30.
[4] Mr.ElBaradei's interview with an Argentinean newspaper on 29 November 2007.Also see International Herald Tribune, October 28, 2007.
[5] .CNN, Late Edition, 28 October 2007.
[6] .BBC news, 6 December 2007.
[7] .INFCIRC/711.

peaceful nuclear program first cynically tried to overshadow the importance of the said Work Plan and when they failed to do so, spared no efforts to create all kinds of problems to hamper its successful implementation and, not least, strived to politicize the trend to the extent possible. The statements of the IAEA officials, who had rightly complained that "the US is mounting a deliberate campaign to derail Iranian-IAEA rapprochement"[8] was noteworthy in this regard. Those few countries have pursued their politically-motivated agenda regardless of Iran's cooperation with the IAEA and the latter's report on such cooperation. Indeed, their unwarranted efforts to put the Agency and its officials under pressure and to influence its reports are well known and need no elaboration.

Despite all these negative policies and practices on the part of the said countries, we resolutely implemented the work plan in a sincere and serious manner. Even certain outstanding issues were addressed and resolved by Iran while negotiations were still ongoing on the contents of the Work Plan. For instance, on 20 August 2007, well before the conclusion of the Work Plan, the Agency, with regard to plutonium issue, stated that "earlier statements made by Iran are consistent with the Agency's findings, and thus this matter is resolved".[9] Moreover, the Agency's report on 15 November 2007 stressed on the resolution of most of the outstanding issues, and finally the latest report of the Agency circulated on 22 February 2008 clearly declared the resolution and closure of all outstanding issues and emphasized, in its paragraph 53, that "the Agency has been able to conclude that answers provided by Iran, in accordance with the Work Plan, are consistent with its findings"[10] and "considers those questions no longer outstanding."[11] Additionally, the IAEA Director General declared the resolution of all outstanding issues in his remarks after the release of the report and said: "we have managed to clarify all the remaining outstanding issues, including the most important issue, which is the scope and nature of Iran's enrichment program."[12] While it was estimated that at least 18 months would be needed for the Work Plan to be implemented, Iran's unwavering and full cooperation with the Agency made it possible for the Work Plan to be implemented in less than 6 months.

It is worth mentioning that while based on the initial agreement with the Agency we were only supposed to address the past remaining issues, nevertheless, as a sign of good will and in line with its robust cooperation with the IAEA, the Islamic Republic of Iran considered the present issues as well. As a result, two important legal documents, i.e. "Safeguards Approach Document" and "Facility Attachment" for Fuel Enrichment Plant (FEP) in Natanz were negotiated, concluded, and finally put into force on 30 September 2007. Accordingly, the implementation of these documents has provided necessary assurances for the verification of enrichment activities in Iran for the present time and in the future.

By resolving the outstanding issues with regard to its past activities, on the one hand; and conducting all its present activities, including the enrichment, under the full and

[8] Reuters, Friday Sep 7, 2007.
http://uk.reuters.com/article/oilRpt/idUKL0787686020070907?pageNumber=1.
[9] INFCIRC/711.
[10] GOV/2008/4.
[11] Ibid.
[12] http://www.iaea.org/NewsCenter/Transcripts/2008/transcr220208.html.

continuous monitoring of the Agency based on the IAEA Statute, the NPT and the comprehensive safeguards agreement, on the other, the Islamic Republic of Iran has removed any so-called "concerns" or "ambiguities" with regard to its peaceful nuclear activities in the past and at present.

Now that the work plan has been fully implemented and the outstanding issues have been resolved, there exists no justification for the continuation of the politically-motivated and misleading call of "lack of confidence" by a few countries, countries whose number hardly amounts to 4 among 192 member states of the United Nations but always mischievously self-proclaim themselves to be speaking on behalf of the international community, or "the whole world".

Indeed, those who did not want to allow the Agency to discharge its technical duties spared no efforts to undermine the momentum generated by the conclusion and implementation of the Work Plan, and in this regard resorted to a systematic and relentless campaign of false claims, propaganda, intimidation, and pressure aimed at the Agency, its Director-General, some members of the Security Council and the Work Plan. This unhealthy and ill-intended campaign had prompted a senior official of the IAEA to stress that "Since 2002, pretty much all the intelligence that's come to us [from the US] has proved to be wrong".[13] The so-called "alleged studies" issue is an example of such a fabrication and misinformation campaign.

While the said baseless allegation, namely the "alleged studies", had not been an outstanding issue between Iran and the IAEA, a well-organized and pre-planned propaganda campaign began even before the release of the latest IAEA report in order to eclipse the landmark accomplishment that Iran has made in its cooperation with the Agency in resolving the outstanding issues. As it is stressed in the work plan "Iran reiterated that it considers the alleged studies as politically motivated and baseless allegations... [but] as a sign of good-will and cooperation with the Agency, [stated that] upon receiving all related documents will review and inform the Agency of its assessment."[14]

The IAEA reports, particularly the most recent one, together with the statements of the Agency officials, clearly indicate that the Iranian nation is committed to its international obligations and at the same time persistent in pursuing and exercising its legal and inalienable rights. The recent IAEA report clearly stresses that Iran's cooperation with the IAEA has been far beyond its treaty obligations and has been proactive. It points out in paragraph 55 that "the Agency has recently received from Iran additional information similar to that which Iran had previously provided pursuant to the Additional Protocol, as well as updated design information. As a result, the Agency's knowledge about Iran's current declared nuclear program has become clearer."[15]

The IAEA Director General yet again stressed Iran's robust cooperation with the Agency in his remarks after the release of the report by saying that "Iran in the last few months

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[13]. LA Times, February 25, 2007.
[14]. INFCIRC/711.
[15]. GOV/2008/4 para 55.

has provided us with visits to many places that enable us to have a clearer picture of Iran's current program."[16] In its latest report, the Agency has also stressed in several instances, including in paragraphs 11, 18, 24, 34 and 53, the conclusion that "Iran's statements are consistent with other information available to the Agency" or "are not inconsistent with its findings".[17]

Undoubtedly, the full implementation of the work plan and, thus, resolution and closure of the outstanding issues have eliminated the most basic pretexts and allegations on the basis of which Iran's peaceful nuclear program was referred to the Security Council. The Security Council's involvement and the actions it has taken so far in this regard have been unwarranted and unconstructive and have only damaged the credibility of the IAEA. Iran's peaceful nuclear program should be dealt with solely by the Agency. I wish to draw your attention to this very important point that based on the very last paragraph of the Work Plan, "the Agency and Iran agreed that after the implementation of the work plan and the agreed modalities for resolving the outstanding issues, the implementation of safeguards in Iran will be conducted in a routine manner."[18] Therefore, the consideration of Iran's peaceful nuclear program in no way falls within the purview of the Security Council. In fact, based on the IAEA reports and as a result of Iran's cooperation and the closure of the outstanding issues, the illegality of the actions of the Council against Iran's peaceful nuclear program have become more abundantly clear.

Much has been said about "suspension". Iran cannot and will not accept a requirement which is legally defective and politically coercive. History tells us that no amount of pressure, intimidation and threat will be able to coerce our nation to give up its basic and legal rights. We have never attempted to impose our will on others; equally, we will never allow others to impose their unjust demands on us. We do not consider this call for suspension legitimate for, among others, the following reasons:

1. As we have stressed over and over again, no government is prepared to compromise the exercising of the inalienable rights of its nation. Any demand from a nation to do so would be politically incorrect and legally flawed.
2. Neither in the IAEA's Statute nor in the NPT-safeguards, nor even in the Additional Protocol, "enrichment" and "reprocessing" are prohibited or restricted. There is even no limit for the level of enrichment in the said documents.
3. In all resolutions of the Board of Governors of the IAEA, "suspension" was considered as a "non-legally binding, voluntary, and confidence building measure".
4. Suspension was in place for more than two years and the IAEA, in each and every report from November 2003 to February 2006, repeatedly verified that Iran fully suspended what it had agreed to suspend. During this period, it became clear that those insisting on suspension were indeed aiming to prolong and ultimately perpetuate it, and consequently deprive the Iranian nation from exercising its inalienable rights.

[16] . http://www.iaea.org/NewsCenter/News/2008/iranreport0208.html.
[17] . GOV/2008/4.
[18] .Last paragraph of the Work Plan. Please see INFCIRC/711.

5. The attempt to make the suspension mandatory through the Security Council has been, from the outset, against the fundamental principles of international law, the Non- Proliferation Treaty and IAEA Board resolutions. The Security Council resolutions, which made the suspension mandatory, also flout the stated position of the overwhelming majority of the international community.[19]
6. Unquestionably, with resolving the outstanding issues, with the IAEA's repeated conclusions of "non-diversion" in Iran's nuclear activities, and with Iran's nuclear activities under the full and continuous monitoring of the Agency, there remains no pretext for the illegal request for suspension.
7. The Security Council's decision to coerce Iran into suspension of its peaceful nuclear program is also against the provisions of the UN Charter. The Security Council can not coerce countries into submitting either to its decisions taken in bad faith or to its demands negating the fundamental purposes and principles of the UN Charter.
8. We need to enrich uranium to provide fuel for the nuclear reactors that we are either building or planning to build in order to meet the growing needs of our country for energy. There have never been guarantees that our needs for fuel will be completely provided by foreign sources. No country, particularly our nation which has a bitter memory of unilateral termination of valid agreements on the part of foreign countries in this regard, can solely rely on others to provide it with the technology and materials that are becoming so vital for its development and for the welfare of its people. It is worth mentioning that there is no single document as "Legally Binding International Instrument for Assurance of Nuclear Supply" to guarantee the fuel for nuclear power plants. It may be recalled that in 1987, the Committee on Assurances of Supply (CAS) of the IAEA failed, after 7 years of negotiations.

The Security Council made another unjust and irrational decision on Iran's peaceful nuclear program recently. History will ultimately render its judgment over the behavior of the Council. Even regardless of the Council's unfair actions towards Iran, as the representative of a founding member of this Organization, I wish to express our grave

[19] In referring to Iran's peaceful nuclear programme in September 2006, the 118 NAM Heads of States and Governments also emphasized on "the fundamental distinction between the legal obligations of States to their respective safeguards agreements and any confidence building measures voluntarily undertaken to resolve difficult issues", and believed that "such voluntary undertakings are not legal safeguards obligations." A/61/472–S/2006/780.Representatives of the member countries of the Non-Aligned Movement in Vienna reiterated the same positions in their statement last week and also welcomed the closure of outstanding issues by adding that "NAM is very pleased to note that, as a result of the joint endeavours of the IAEA Secretariat and Iran, significant achievements have been made in the implementation of the Work Plan. Taking into account the Director General's Report to the Board of Governors and also the results reported by the Secretariat on this issue to the September and November 2007 sessions of the Board, NAM notes with satisfaction that all the six "outstanding issues", reflected in the paragraphs 1.2 and 11 of the Work Plan, have been resolved. NAM expresses its appreciation for the proactive cooperation of the Islamic Republic of Iran with the Agency in the implementation of the agreed Work Plan that concluded these outstanding issues in a shorter time than it has been originally planned. NAM welcomes this substantive progress and expects that the safeguards implementation in Iran shall be conducted in a routine manner."

concern and dismay regarding the path that the Security Council has chosen and pursued. We all know that the United Nations has been established as a universal organization to address international problems, and to defend the rights of its member states in this shrinking world. The Security Council should be inherently and meaningfully "a Council for security"--a body that is entrusted with the important task of maintaining international peace and security. It should be a secure and safe place where the rights of nations not only are not violated, but are fully respected. Can one claim that the Council has performed its immense duty in good faith and as requested by the Charter? The answer is not definitely affirmative. Surely, the overwhelming majority of the members of the Organization are seriously concerned about the behavior of the Council that has extensively undermined its integrity and credibility.

A question to ponder is how will the nations' memory recall the behavior of this important organ? A question arises as to why, after all the crimes of the Zionist regime in the Palestinian territories that have shocked the whole world and have been described *inter alia* as ethnic cleansing, genocide and war crimes by the international community, the Council has failed to take any effective measures to put an end to these crimes? Why the Council has failed to issue a simple press statement nor has it been able to pay even a lip-service to the issue of Palestinian sufferings in view of the daily Israeli atrocities in the Palestinian territories, particularly in Gaza, that have led to the killing and wounding of hundreds of innocent Palestinian people in the past several weeks? Undoubtedly, the Security Council's previous inactions and silence towards the abhorrent crimes of the Zionist regime have resulted in the recent holocaust that has been going on in the Gaza Strip by the said regime.

The people of Iran will never forget the inaction of the Security Council with regard to Saddam Hussein's invasion of Iran in 22 September 1980—the invasion that resulted in an eight long year imposed war against Iran with unspeakable sufferings and losses for our nation. This act of aggression did not trouble the same permanent members of the Council, who have pushed the Council to adopt unwarranted resolutions against Iran's peaceful nuclear program, to consider it a threat against international peace and security, or even to make the routine call for a cease-fire and withdrawal of the invading forces. Nor did the Security Council, for several years, bother to deal with the use of chemical weapons by the former Iraqi dictator against Iranian civilians and military personnel as well as Iraqi Kurds particularly in Halabcheh- chemical weapons that were provided to Saddam Hussein by some of the supporters and sponsors of the said resolutions. No amount of explanation would be able to describe the disastrous consequences of these unacceptable behaviors of the Security Council. Indeed, these are not the only examples that the Council, due to its inherent deficiencies and due to its structural problems and voting mechanism, has been unable to discharge its responsibilities. That is why the overwhelming majority of the UN member states believe that this Council should be overhauled.

The Council's credibility has been further damaged after the adoption of its most recent resolution against Iran's peaceful nuclear program. The said resolution was adopted because of the political motives of a few countries- political motives that have prevented the Council from heeding the judgment of a technical body of the United Nations, namely, the IAEA. While the IAEA clearly acknowledges that Iran's nuclear program is

peaceful and all the outstanding issues have been resolved, some countries deliberately tried to undermine the work of the agency that is part of the United Nations. It therefore appears that the Security Council attaches no value even to other UN institutions and bodies. It is, therefore, no wonder that the Security Council, which has repeatedly encroached on the mandates and authorities of other UN bodies, can not be trusted to respect the views and judgments of other United Nations agencies.

The Council's behavior in undermining the credibility and integrity of the Agency will only serve the interests of those who prefer to ignore the IAEA, such as the Israeli regime that, with hundreds of nuclear warheads in its possession, poses the most serious threat to international and regional peace and security. It will also serve the interests of those who have never wished for an Agency that is strong and that is independent and impartial.
This is truly a serious question.

Is it not time for the Council to respect the judgment of an institution that is part of the UN system? Or to respect the legitimate rights of a great nation with a long history of civilization and peaceful coexistence with other nations? A right that has been recognized by international law and its exercising poses no threat to international peace and security.

What the Islamic Republic of Iran is pursuing is the exercising of its rights in accordance with the NPT and under the supervision of the IAEA, and nothing more. Is this an illegitimate demand? Is this justice to punish a nation that behaves according to the rules and regulations?
The future security of the world depends on how the United Nations, and especially the Security Council, will function in a just and impartial manner.

In reality, peoples across the globe have now lost their trust in the Security Council and consider the actions of the Council as the results of political pressure exerted by a few powers to advance their own agendas. This is a compelling issue that the Council must address in order to restore its credibility.

In view of all these facts and realities, this legitimate question arises that; Can the Security Council still be known as a "Council for security"? And, can it be regarded as an impartial and credible organ of the United Nations?

I leave that judgment to the esteemed members of the United Nations and all fair-minded people around the world.